

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

M.D. SPEKTOR D.D.S. PLLC, and SPEKTOR
D.D.S., P.S., individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

SENTINEL INSURANCE COMPANY,
LIMITED,

Defendant.

Case No. 2:21-cv-00544-BJR

**STIPULATED MOTION AND
ORDER TO CONSOLIDATE**

Plaintiffs M.D. SPEKTOR D.D.S. PLLC and SPEKTOR D.D.S., P.S. (together, the “Spektor Plaintiffs”) and Defendant Sentinel Insurance Company, Limited (“Sentinel”) (together with Spektor Plaintiffs, the “Parties”), through their undersigned counsel, submit this stipulated motion to consolidate this action with the consolidated matter, *Chorak, et al. v. Hartford Casualty Insurance Co., et al.*, No. 2:20-cv-00627-BJR, including adoption of the pending briefing on the Motion to Dismiss and for Judgment on the Pleadings and the Court’s decision on the Motion to Certify Questions to the Washington State Supreme Court filed in that action. The Parties state as follows:

WHEREAS, on November 10, 2020, the United States District Court for the Western District of Washington ordered that the cases then pending in this District involving COVID-19-related business interruption insurance coverage claims against Hartford Casualty Insurance

1 Company, Hartford Fire Insurance Company, and Sentinel Insurance Company, Limited (together,
2 “Hartford”) be consolidated for pretrial proceedings under the matter, *Chorak, et al. v. Hartford*
3 *Casualty Insurance Co., et al.*, No. 2:20-cv-00627-BJR (ECF No. 38);

4 WHEREAS, on November 20, 2020, plaintiffs Mario D. Chorak, DMD, P.S.; Lina Kim,
5 DDS, P.S.; Arnell Prato, DDS, PLLC; Andrew Lee, DDS, Glow Medispa, LLC; KCJ Studios LLC
6 dba Barre3 Ballard Exercise Studio; Humble Warrior LLC dba Barre3 Roosevelt and Capitol Hill;
7 ALELG, LLC dba Barre3 Felida; and Andrew Lee, DDS filed a Consolidated Amended Class
8 Action Complaint (ECF No. 40) (“*Chorak Class Complaint*”), under the matter, *Chorak, et al. v.*
9 *Hartford Casualty Insurance Co., et al.*, No. 2:20-cv-00627-BJR;

10 WHEREAS, on January 15, 2021, Hartford filed a Motion to Dismiss and for Judgment on
11 the Pleadings in the consolidated *Chorak* matter (ECF No. 56);

12 WHEREAS, Hartford’s Motion to Dismiss and for Judgment on the Pleadings in the
13 consolidated *Chorak* matter was fully briefed as of March 5, 2021;

14 WHEREAS, on February 18, 2021, the plaintiffs in the consolidated *Chorak* matter filed a
15 Motion to Certify Questions to the Washington State Supreme Court (ECF No. 66);

16 WHEREAS, after full briefing, the Court denied the Motion to Certify Questions to the
17 Washington State Supreme Court in the consolidated *Chorak* matter on April 23, 2021 (ECF No.
18 85);

19 WHEREAS, on April 22, 2021, the Spektor Plaintiffs filed this new Class Action
20 Complaint (the “*Spektor Class Complaint*”) (Dkt. No. 1) against Sentinel Insurance Company,
21 Limited as Defendant;

22 WHEREAS, the Spektor Plaintiffs are represented by the same counsel that represents the
23 plaintiffs in the *Chorak* Class Complaint and Defendant Sentinel is represented by the same
24 counsel that represents Hartford in the *Chorak* matter;

25 WHEREAS, the Parties believe that consolidation of this action with the consolidated
26 *Chorak* matter, including adoption of the pending briefing on the Motion to Dismiss and for

1 Judgment on the Pleadings and the Court's decision on the Motion to Certify Questions in that
2 action, would aid in the efficient administration of justice;

3 NOW, THEREFORE, the Parties move the Court to consolidate this action for pretrial
4 proceedings with the actions consolidated under the matter, *Chorak, et al. v. Hartford Casualty*
5 *Insurance Co., et al.*, No. 2:20-cv-00627-BJR, including adoption of the pending briefing on the
6 Motion to Dismiss and for Judgment on the Pleadings and the Court's decision on the Motion to
7 Certify Questions filed in that action. For purposes of the pending Motion to Dismiss in *Chorak*,
8 the claims set forth in the *Spektor* Class Complaint should be treated as if they had been asserted
9 in the *Chorak* Class Complaint. Upon consolidation, the Parties agree to be bound by the rulings
10 of the Court on the pending Motion to Dismiss and for Judgment on the Pleadings and the Court's
11 decision on the Motion to Certify Questions in the consolidated *Chorak* matter.

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1 **ORDER**

2 Having review the parties' stipulation, and finding that good cause exists for the
3 requested relief, the Court hereby **GRANTS** the stipulation.

4 **IT IS ORDERED** that this matter is consolidated with *Chorak, et al. v. Hartford*
5 *Casualty Insurance Co., et al.*, No. 2:20-cv-00627-BJR, including adoption of the pending
6 briefing on the Motion to Dismiss and for Judgment on the Pleadings and the Court's decision on
7 the Motion to Certify Questions in that action. For purposes of the pending Motion to Dismiss in
8 the *Chorak* matter, the claims set forth in this action will be treated as if they had been asserted
9 in the consolidated amended *Chorak* class action complaint. The Parties in this action will be
10 bound by the rulings of the Court on the pending Motion to Dismiss and for Judgment on the
11 Pleadings and the Court's decision on the Motion to Certify Questions in the consolidated
12 *Chorak* matter.

13 The Clerk of the Court is hereby notified of this
14 consolidation. DATED this 18th day of May, 2021.

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17 Barbara J. Rothstein
18 UNITED STATES DISTRICT JUDGE
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